

Attachment 3



DEPARTMENT OF THE ARMY
 HEADQUARTERS UNITED STATES ARMY AVIATION CENTER AND FORT RUCKER
 453 NOVOSEL STREET
 FORT RUCKER ALABAMA 36362-5105

REPLY TO
 ATTENTION OF

IN THE UNITED STATES DISTRICT COURT
 FOR THE MIDDLE DISTRICT OF ALABAMA
 SOUTHERN DIVISION

VICKY JONES
 Plaintiff

v.

JAMES FUNK, an individual;
 UNITED STATES OF AMERICA
 Defendants.

DEFENDANT'S
 EXHIBIT

CASE
 NO. 3:05-cv-420-F

EXHIBIT
 NO. 3

CIVIL ACTION NO. 03:05-CV-420

UNSWORN DECLARATION OF STAFF SERGEANT SABRAE N. BELL

In accordance with 28 U.S.C. 1746, I make the following unsworn declaration pertaining to non-receipt of a claim for damages within the two-year statute of limitations from plaintiff's attorney:

1. I am the Claims NCOIC for the Fort Rucker Claims Office, and in this capacity receive all Standard Form 95s (SF95) Claim for Damage Injury of Death, open the claim file, log data on the computer, review and acknowledge receipt of the SF95, and investigate the claim.
2. On September 1, 2004 I received from plaintiff's attorney a copy of an unperfected SF95 for damages as the result of an April 13, 2002 automobile accident.
3. Because the plaintiff's attorney's cover letter, dated August 27, 2004 indicated that he had filed the original SF95 with the Fort Benning Claims Office, I contacted the Fort Benning Claims Office and was informed by Ms. Pamela Patterson that no SF95 had been received. Thereafter, our Claims Attorney, Ms. Eva Matthews, and I contacted plaintiff's attorney and requested evidence to substantiate that the claim had been timely filed at Fort Benning, but no such evidence was ever submitted.
4. I did not receive an SF95 from plaintiff's attorney in January 2004, or any time thereafter within the two-year statute of limitations.
5. If I had received the SF95 claim form that plaintiff's counsel contends he filed at Fort Benning prior to September 1, 2004, I would have made a potential claim file, logged the

potential claim data on the computer, typed a letter informing plaintiff's attorney of the deficiency and enclosed the unperfected SF95 form with the letter to him for completion of block 12d. Further, I would have retained a copy of the unperfected SF95 and correspondence and placed it in the potential claim file.

7. When I receive an SF95, I date stamp the claim on the date of receipt, place my initials on the form, log the claim on the computer, and make a claim file. I draft and mail an acknowledgement letter to the claimant or his/her attorney acknowledging receipt of the claim and advising the claimant about procedures followed with the filing of a Federal Tort Claim.

8. I have no record, or recollection, of receiving an SF95 from plaintiff's attorney prior to September 1, 2004.

9. I have served in my capacity as claims NCOIC for 1.5 years, and I cannot recall ever having lost an SF95 or anyone alleging that one was lost in the mail.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 14th day of September 2005.


Staff Sergeant SABRE N. BELL
Fort Rucker Claims NCOIC